

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

SEASON'S PIZZA RESTAURANT)	
)	
Plaintiff,)	
)	
v.)	CA NO. 05-10710-NMG
)	
MICHAEL CHERTOFF, et al.,)	
)	
Defendants.)	
)	

**MOTION FOR EXTENSION OF TIME
TO ANSWER OR OTHERWISE RESPOND**

The United States respectfully requests an extension of time until November 30, 2005, to answer or otherwise respond to the Plaintiff's Complaint. Plaintiff claims that the Defendants acted arbitrarily when it denied its I-140 Petition for a skilled immigrant worker, in violation of the Administrative Procedures Act. Plaintiff appealed this decision to the United States Citizenship & Immigration Services ("USCIS") Administrative Appeals Office, which is pending. Further investigation of the claims raised in the Complaint, however, requires the assembly and review of Plaintiff's petition and supporting documents, agency records, and consultation with members of the Department of Homeland Security and USCIS staff.

Accordingly, in order to provide the Court with an informed response to Plaintiff's Complaint, this additional time is needed.

Respectfully submitted,

MICHAEL J. SULLIVAN
United States Attorney

By: /s/ Damian W. Wilmot
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CERTIFICATION UNDER L.R. 7.1

Counsel have conferred pursuant to L.R. 7.1(A)(2), and Plaintiff's counsel has no objection to the Defendants' filing of this Motion.

/s/ Damian W. Wilmot
DAMIAN W. WILMOT
Assistant U.S. Attorney

Dated: October 31, 2005